

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SHANNON O. MURPHY ESQ. SR., dba
SHEETMETAL & ASSOCIATES,

No. 2:20-cv-01550-KJM-AC

Plaintiff,

v.
HERSHEY CHOCOLATE
CORPORATION,

ORDER TO SHOW CAUSE

Defendant.

Plaintiff, who is proceeding in pro se, has filed an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. ECF No. 2.

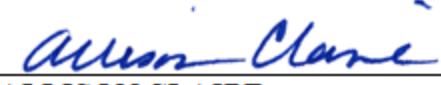
The federal venue statute provides that a civil action “may be brought in (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) if there is no district in which an action may otherwise be brought as provided in this action, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. § 13391(b).

In this case, plaintiff resides in Pittsburgh, CA (Contra Costa County), and the substance of his claim appears to be injury by the ingestion of Hershey’s chocolate. ECF No. 1 at 3. The

1 residency of the defendant is not alleged. The undersigned believes this case should have been
2 filed in the Northern District of California. In the interest of justice, a federal court may transfer a
3 complaint filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v.
4 McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

5 Accordingly, Plaintiff is ORDERED TO SHOW CAUSE within 14 days why this case
6 should not be transferred to the Northern District of California.

7 DATED: August 4, 2020

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9 ALLISON CLAIRE
10 UNITED STATES MAGISTRATE JUDGE

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